

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CELESTE J. MATTINA, Regional Director, Region 2,  
National Labor Relations Board, for and on behalf of the  
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

vs.

KINGSBRIDGE HEIGHTS REHABILITATION  
AND CARE CENTER,

Respondent.

**DECLARATION OF JOZEF  
HUBACEK**

**Civil Action No:  
08-CV-6550 (DLC)  
ECF CASE**

I, JOZEF HUBACEK, hereby declare, under penalty of perjury, pursuant to 28 U.S.C. §1746:

1. I have been employed by Respondent Kingsbridge Heights Rehabilitation and Care Center (“Kingsbridge”) at its Bronx, New York facility for three and a half years. My current position is as a delivery driver and purchaser. I am familiar with the facts and circumstances surrounding this action and submit this Declaration in Opposition to Petitioner’s Petition for Temporary Injunction under Section 10 (j) of the National Labor Relations Act.

2. When I learned that members of the 1199 SEIU were planning to go on strike, I became very concerned about my future employment and benefits. I was afraid the impending strike would jeopardize my job, and I was opposed to the union’s decision. Several other employees shared my concerns.

3. On February 20, 2008, a striking member of 1199 SEIU named Toma Beica approached me while I was accompanying workers to the Kingsbridge facility. Mr. Beica physically assaulted, shoved me, and told me that “no one was taking [his] job”.

4. Thereafter, on February 24, 2008 I observed nails that had been strewn across the parking lot in an effort to damage vehicles and prevent the transportation of workers and deliveries to Kingsbridge.

5. In addition, striking members of the 1199 SEIU have threatened me on numerous occasions. For instance, in February, 2008, one of the strikers told me that they were planning to place a bomb on the delivery van.

6. Then, on March 10, 2008 a member of the union told me that he would slash my throat and kill my family if I reported to work the next day.

7. In June, 2008 I was standing in the parking lot receiving a delivery when a union member named Sivasakhy Ramalingam threw an open can of soda at me. I recognized Sivasakhy as a former dietary employee at Kingsbridge. The can nearly hit me and two cars. I was told by another union member that he would throw rocks at me the next time he saw me. Later that day, I discovered that my car was covered in eggs.

8. In July, 2008, I was driving Ms. Seiger's car back to Kingsbridge after running an errand. Striking members of the 1199 SEIU threw a bottle of water at me as I approached the facility.

9. In July, 2008 as Ms. Seager was attempting to leave the facility, I observed Sivasakhy approach her car. He violently pounded his fists against the car's windows and kicked the car. As Ms. Seiger was attempting to get away, Sivasakhy picked up a trash can and threw it at her car.

EXECUTED ON THE 5 DAY OF AUGUST, 2008.

  
JOZEF HUBACEK